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Wheat Ridge, CO 80215  
December 10, 2013

Mr. Shaun McGrath, Administrator  
US Environmental Protection Agency, Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

Dr. Larry Wolk, Executive Director and Chief Medical Officer  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Re: Animas Mining District, San Juan County, Colorado

Dear Sir:

In the early 1990s, the US Environmental Protection Agency (EPA) and Colorado Department of Public Health and Environment (CDPHE) began investigations on toxic mine effluents in the Animas Mining District in San Juan County, Colorado. Subsequently, the Animas River Stakeholders Group (ARSG) formed and undertook mine reclamation to improve water quality in the impacted Animas River. At that time, government regulatory processes were deferred (CDPHE & USEPA, 1996) in favor of the ARSG collaborative stakeholder approach to watershed cleanup. I represented the Bureau of Land Management in ARSG.

Although some tributaries of the upper Animas River are cleaner, the main stem of the river below Silverton is not meeting water quality standards and goals (ARSG 2011 & 2013). This deficiency, after twenty years of mine reclamation, is particularly disappointing. After all, of the world's various ecosystems, it is freshwater biomes that have suffered the greatest losses from human activities (Strayer & Dudgeon, 2010).

Just a few years ago, mine reclamation in the watershed was improving water quality in the river; however, now the contamination and impacts from the mines have become worse. Fish prey (macro invertebrates) peaked about ten years ago and have since declined (Anderson, 2010). Some fish populations have disappeared (McAllister & McBride, 2013). Water quality is impacted by toxic exceedances of copper, iron, and zinc, and low pH (ARSG 2011 & 2013).

The culprit seems to be the bulkheads placed in the American Tunnel to stop discharge of toxic water from the Sunnyside Mine. It appears that the bulkheads

backed up the mine water to discharge instead through permeable geologic structures to other neighboring mines and then out their portals. (McAllister & McBride, 2013)

After award-winning effort and dedication, ARSG has not brought the necessary resources to remedy the contaminated upper Animas River. The time has come for more aggressive cleanup action. As the responsible officials, I urge you both to bring the full force and resources of regulatory processes, particularly the Comprehensive Environmental Response and Liability Act (aka Superfund). Effective mine reclamation and/or water treatment should be put in place with definitive milestones so that the current situation does not continue indefinitely and certainly not another two decades.

The deferral of regulatory action mentioned above is important among some ARSG members. These members fear enforcement of environmental laws particularly Superfund. However, Superfund sites in the healthy communities of Leadville and Idaho Springs show that this fear is misplaced. Most importantly, aquatic resources have rebounded in streams below mine reclamation in those Superfund sites (Brinkman et al, 2006; CCWF, 2007; Woodling & Rollings, 2008). Probably only Kinross Gold, owners of the Sunnyside Mine, need be concerned about any cleanup liabilities. Kinross last year had nearly one billion dollars of annual net earnings. The cost of their possible cleanup liabilities would be trivial in comparison to those earnings.

I and the attached petitioners would greatly appreciate your leadership in restoring the health of the Animas River, and would appreciate the opportunity to meet with you and your staff on planning for the restoration. A favorable outcome will be a success for both your agencies in their responsibility to protect the public health and environment.

Sincerely yours,

(signed)

Robert H. Robinson

Cc: Animas River Stakeholders Group

Attachments: 1. References  
2. Petition

## REFERENCES

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- Colorado Department of Public Health and Environment, US Environmental Protection Agency (1996). *Area-wide deferral agreement, upper Animas mining district (draft)*. Received from Peter Butler, Co-Coordinator, <http://www.animasriverstakeholdersgroup.org/page1.php>, Oct. 30, 2013.
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**PETITION**  
**Remediation of the Animas Mining District, San Juan County, Colorado**

Toxic discharges from mines in the Animas Mining District cause water concentrations of pollutants to exceed standards in the upper Animas River. The pollutants are seriously impacting aquatic life, and water quality goals for the river are not being met. Some mine remediation has occurred in the last two decades; however, the remediation is insufficient to meet the water quality standards and goals. The undersigned petition the U.S. Environmental Protection Agency and Colorado Department of Public Health & Environment to undertake more effective action in restoring the health of the Animas River.

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